

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ALAN ORTIZ,	)	
	)	
Plaintiff,	)	
	)	C.A. No. 1:17-cv-158
	)	
v.	)	
	)	
ERIC NIEMSYK, et al,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

This prisoner civil rights action was received by the Clerk of Court on June 19, 2017, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. The magistrate judge's report and recommendation, issued on July 13, 2018 recommended that Defendants motion to dismiss Plaintiffs complaint or in the alternative motion for change of venue (Dkt. 16) be granted insofar as this case should be dismissed as untimely. Service was made on Plaintiff by mail at SCI Forest, where he is incarcerated, and on Defendants. Objections were filed by Plaintiff on July 20, 2018. After de novo review of the petition and documents in the case, together with the report and recommendation and objections thereto, the following order is entered:

AND NOW, this 30th day of July, 2018,

IT IS HEREBY ORDERED that that Defendants motion to dismiss Plaintiffs complaint or in the alternative motion for change of venue (Dkt. 16) is GRANTED insofar as this case is DISMISSED as untimely. The Clerk of Courts is directed to close this case. The report and recommendation of Magistrate Judge Baxter, issued July 13, 2018, is adopted as the opinion of the court.



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MARK R. HORNAK  
United States District Judge

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cc: Susan Paradise Baxter  
U.S. Magistrate Judge

all parties of record \_\_\_\_\_